

## **REMARKS**

Upon entry of this Response, claims 72-96 are pending in the application.

Claims 72-96 are newly added. Claims 1, 3-10, 62, 65, 66, and 68-71 are canceled, without waiver, prejudice, or disclaimer, in response to the decision on appeal by the Board of Patent Appeals and Interferences affirming the final rejection of claims 1, 3-10, 62, 65, 66, and 68-71. Applicants respectfully request consideration of the pending claims in view of the following remarks.

### **I. Newly Added Claims**

Claims 72-96 are newly added through this Response. Applicants respectfully submit that claims 72-96 contain no new matter and are fully supported by the specification of the present application. Further, Applicants respectfully submit that claims 72-96 are allowable over the cited references of *Fisher* (US 6,411,906) in view of *Walker et al.* (US 6,415,264, hereinafter *Walker*) for at least the following reasons.

#### **A. Claim 72**

Independent claim 72 recites:

72. A method, comprising the steps of:  
    providing, in at least one computing device, item classification data that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes;  
    obtaining, in the at least one computing device, a selection by a user of one of the item classifications from a client computing device;  
    generating, in the at least one computing device, a first user interface that includes a listing of the set of attributes corresponding to the one of the item classifications according to the selection, the first user interface being configured to obtain at least one input value for the set of attributes from the user;  
    sending, in the at least one computing device, data including the first user interface to the client computing device;

obtaining, in the at least one computing device, the at least one input value specified by the user for the set of attributes from the client computing device;

determining, in the at least one computing device, a suggested price range from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes;

***generating, in the at least one computing device, a second user interface including the suggested price range and a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items;*** and

sending, in the at least one computing device, data including the second user interface to the client computing device.

*(Emphasis added).* Applicants respectfully submit that claim 72 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 72 emphasized above.

To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. The abstract of *Fisher* is reproduced below:

An electronic catalogue is implemented on a server computer by a software component which functions as a catalogue system and an associated database. The catalogue contains details on a set of individual products. The database contains a set of tables, which contain data items relating to the products. A set of first, second and third order templates are also stored in the database. Each second order template is subordinate to an associated first order template and each third order template is subordinate to an associated second order template. The electronic catalogue can be accessed via the public Internet from a client computer. When the user of the client computer wishes to retrieve information on a particular product, the client computer transmits a request to the server computer. The server computer uses the request to retrieve a first order template 150. The catalogue system then uses control information contained in the first order template 150 together with a request received from the client computer to search the tables in its database for data items relating to the selected product. Control information in the tables searched also specify a set of second order templates 152, 154, 156, 158 and 160, and a set of third order template 162, 164, 166, 168 and 170. These templates are retrieved by the catalogue system from the database. It then uses the retrieved data items together with the retrieved templates to create an information page containing data on the selected product. In this

information page, the first order template 150 defines the overall format of the page, the second order template defines the format of respective parts of the page and each of the third order template defines the format of a portion of a part of the page covered by an associated second order template 160.

Fisher appears to relate to creating “an information page containing data on the selected product” from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

*Walker* also fails to show or suggest at least these elements of claim 72. FIG. 8 of *Walker* is reproduced below:



PRICE FLOOR 810	HISTORIC SALES 820	COMMISSION PERCENTAGE 830	POSTING PAYMENT AMOUNT 840
\$200.00	80%	10%	\$6.00
\$250.00	65%	10%	\$6.25
\$300.00	40%	10%	\$2.00

At col. 8, lines 46-49, *Walker* states: “a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount.” Although *Walker* appears to disclose determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least “a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “generating, in the at least one computing device, a second user interface including the suggested price range and a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as recited in claim 72. For at least these reasons, Applicants respectfully submit that claim 72 is allowable over the cited references.

## **B. Claim 84**

Independent claim 84 recites:

84. A system, comprising:
  - at least one computing device;
  - item classification data, accessible to the at least one computing device, that associates each of a plurality of item classifications with a corresponding set of attributes from a plurality of sets of attributes; and
  - a price suggestion application executable in the at least one computing device, the price suggestion application comprising:
    - logic that encodes a first user interface for rendering by a client computing device, the first user interface including a listing of the set of attributes corresponding to one of the item classifications according to a selection by a user of the one of the item classifications, the first user interface being configured to obtain at least one input value for the set of attributes from the user;
    - logic that obtains the at least one input value specified by the user for the set of attributes from the client computing device; and
    - logic that encodes a second user interface for rendering by the client computing device, the second user interface including a suggested price range that is determined from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.***

*(Emphasis added).* Applicants respectfully submit that claim 84 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 84 emphasized above.

To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. *Fisher* appears to relate to creating “an information page containing data on the selected product” from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

*Walker* also fails to show or suggest at least these elements of claim 84.

At col. 8, lines 46-49, *Walker* states: “a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount.” Although *Walker* appears to disclose determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least “a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “logic that encodes a second user interface for rendering by the client computing device, the second user interface including a suggested price range that is determined from a set of historical sales prices in an auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items”

as recited in claim 84. For at least these reasons, Applicants respectfully submit that claim 84 is allowable over the cited references.

### C. Claim 92

92. A non-transitory computer-readable medium embodying a program executable in a computing device, the program comprising:

- code that obtains a selection of one of a plurality of item classifications from a user, each of the item classifications being associated with a respective set of attributes;
- code that renders a first user interface for specifying at least one input value for a set of attributes associated with the one of the item classifications;
- code that obtains at least one input value from the user for the set of attributes; and
- code that renders a second user interface that includes a suggested price range for an item in an auction system, the suggested price range being determined at least in part from a set of historical sales prices in the auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items.

(*Emphasis added*). Applicants respectfully submit that claim 92 is allowable over *Fisher* in view of *Walker* for at least the reason that neither *Fisher* nor *Walker* shows or suggests at least the elements of claim 92 emphasized above.

To begin, Applicants respectfully submit that *Fisher* fails to show or suggest at least these elements. *Fisher* appears to relate to creating “an information page containing data on the selected product” from an electronic catalogue. *Fisher* does not appear to relate to generating suggested price ranges or graphs of historical sale prices.

*Walker* also fails to show or suggest at least these elements of claim 92.

At col. 8, lines 46-49, *Walker* states: “a table such as the one shown in FIG. 8 is displayed to the seller to allow the seller to select his desired floor price and corresponding posting payment amount.” Although *Walker* appears to disclose

determining several price floors for an item to be sold, *Walker* does not appear to show or suggest at least “a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as claimed.

Applicants further assert that the combination of *Fisher* in view of *Walker* fails to show or suggest at least the elements of “code that renders a second user interface that includes a suggested price range for an item in an auction system, the suggested price range being determined at least in part from a set of historical sales prices in the auction system for a plurality of items that are classified under the one of the item classifications and match the at least one input value for the set of attributes, the second user interface further including a graph of the historical sale prices versus a corresponding value of one of the set of attributes for each respective one of the items” as recited in claim 92. For at least these reasons, Applicants respectfully submit that claim 92 is allowable over the cited references.

#### **D. Claims 73-83, 85-91, and 93-96**

Applicants respectfully submit that claims 73-83, 85-91, and 93-96 are allowable over the cited references for at least the reason that each depends from claims 72, 84, or 92, respectively.

**CONCLUSION**

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,

/Thomas B. Hildebrandt/

---

Thomas B. Hildebrandt  
Registration Number: 59,303

**Thomas, Kayden, Horstemeyer  
& Risley, L.L.P.**  
600 Galleria Parkway, SE  
Suite 1500  
Atlanta, Georgia 30339-5910  
Phone: (770) 933-9500  
Fax: (770) 951-0933